

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re: ALBERTO TRAPAGA,)	CIVIL ACTION
)	NO. 1:04-cv-12599
Petitioner.)	PETITIONER'S MOTION REQUESTING
)	LEAVE TO FILE FOR
)	RECONSIDERATION

NOW COMES the above petitioner, ALBERTO TRAPAGA, and hereby files his self prepared motion requesting the Court's leave to file for reconsideration of the Court's Judgment on August 23, 2005 (Elefther, Elizabeth).

As ground(s) for such motion, petitioner states:

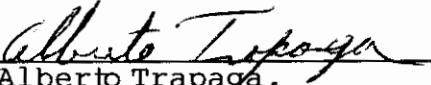
1. That on February 09, 2005, petitioner filed motion requesting leave for enlargement of time to answer opposition of the United States Attorney's motion to dismiss for failure to state a claim on which relief could have been granted, and;
2. That petitioner's motion was either not heard or he was not notified as to his request for leave for enlargement of time in order to respond to respondent's motion to dismiss. Petitioner has waited patiently since the filing of such motion on February 09, 2005, for the Court to make ruling and issue an order as to his request for enlargement of time. Because the Court erred in failing to inform petitioner on the status of his request for enlargement of time, petitioner should not be penalized for failure to respond, especially [w]here he has waited patiently to find out, if, in fact, if the motion was granted, or denied, and because he was not notified as to the status of said motion, he should not bare the burden, because he had no control over the Court's action. Petitioner should be given an opportunity to file opposition, or at least the chance to amend to correct any and all claim deficiencies, and; SEE Petitioner's Exhibit A Appended.

3. That if the Court is inclined to agree with the United States Attorney in his motion to dismiss, for failure to state a claim under which relief could be granted, the Court should at least, allow petitioner an opportunity to amend his complaint to correct any and all deficiencies, it is well settled case law within the federal court's that a complaint that is considered to be deficient on its face, the complainant should be allowed to correct any and all deficiencies, in any event, petitioner was not notified of the status of his motion requesting enlargement of time, therefore, in the interests of justice, he should be allowed to answer to respondent's motion to dismiss, or in the very alternative, he should be allowed to amend his complaint to correct the deficiencies.

CONCLUSION

For all the foregoing reasons, petitioner's motion should be granted in it's entirety, for the more precious the right, the greater the protection.

Respectfully submitted


Alberto Trapaga,
Mass. Treatment Center
30 Administration Road
Bridgewater, MA 02324-3230
PETITIONER, PRO SE

Dated: 10 - 4 -, 2005

CERTIFICATE OF SERVICE

I, hereby certify under the pains and penalties of perjury that I have this below date served true copy of the within motion upon the Office of the United States Attorney by mailing same postage prepaid first class mail to his address.

Dated: 10 - 4 -, 2005

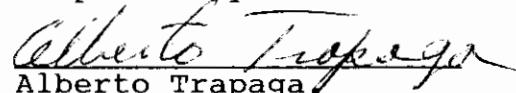

Alberto Trapaga

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALBERTO TRAPAGA, <u>PRO SE</u> ,)	CIVIL ACTION NO. 1:04-cv-12599
Petitioner,)	
vs.)	
BRUCE CHADBOURNE, <u>ET AL</u> ,)	PETITIONER'S MOTION FOR LEAVE TO REQUEST AN ENLARGEMENT OF TIME TO RESPOND TO DEFENDANTS' MOTION
Defendants.)	

NOW COMES the above petitioner, and hereby files his self prepared motion Requesting Leave for Enlargment of Time to File Responsive Pleadings to defendants' motion to dismiss or alternatively summary judgment. Petitioner has made renewed motion for the appointment of counsel, the issues surrounding deportation and immigration are of the nature that only experienced counsel could legally interpert. Petitioner respectfully requests an enlargment up to, and including April 01,2005 to answer to defendants motion. Such an enlargment would not cause any undue hardship or prejudice the defendants in anyway.

Respectfully submitted

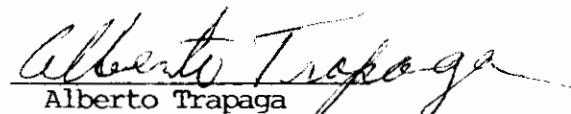

Alberto Trapaga
Petitioner, Pro Se,

Dated: 02/09/, 2005

CERTIFICATE OF SERVICE

I hereby declare under the pains and penalties of perjury that I have this below date served photocopy of the within motion upon the United States Attorney's Office.

Dated: 02/09/, 2005


Alberto Trapaga

TO: United States District Court
Ms. Susan Jenness, Intake Clerk
John Joseph Moakley, U.S. Courthouse
1 Courthouse Way - Suite 2300
Boston, Massachusetts 02210

FROM: Alberto Trapaga
Massachusetts Treatment Center
30 Administration Road
Bridgewater, Massachusetts 02324-3230

Trapaga v. Chadbourne, et al.
U.S.D.C. Civil Docket 1:04-cv-12599

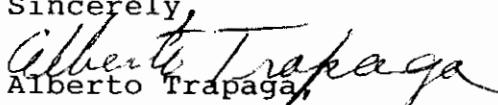
Dear Ms. Jenness:

Would you be so kind as to bring to the court's attention the enclosed motion, and affidavits that support petitioner's renewed motion for appointment of counsel.

Also, would you be so kind as to forward to me copies of the docket entries in the above matter, it would be greatly appreciated.

Thanking you ever so kindly, I anxiously await your return reply, I remain:

Sincerely,


Alberto Trapaga
Mass Treatment Center
30 Administration Road
Bridgewater, MA. 02324-3230
PETITIONER, PRO SE

AT/mm
Enclosures
file

xc: United States Attorney's Office
Michael F. Lyons, Esq.
Mass. Defenders Committee
American Civil Liberties Union Foundation